

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CITY OF NEW YORK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 21 CV 7862 (JPO)
)	
)	
ROBERT G. LOPEZ, an individual,)	
)	
Defendant.)	

**SUPPLEMENTAL DECLARATION OF ROBERT G. LOPEZ
IN OPPOSITION OF CITY OF NEW YORK’S MOTION FOR A DEFAULT
JUDGMENT AND PERMANENT INJUNCTION**

I, ROBERT G. LOPEZ, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am the Pro Se Defendant in the above-identified action and I submit this Supplemental Declaration in Opposition of the City of New York’s Motion for a Default Judgment and Permanent Injunction.

2. As stated and alleged by Defendant in Paragraphs 38 and 39 of the Declaration of Robert G. Lopez in Opposition of The City of New York’s Motion for a Default Judgment and Permanent Injunction that was filed with the Court on January 14, 2022, the NYC® mark is weak and is in widespread use by many third party vendors in the marketplace and is and has become part of the public domain, and in essence, is a generic designation, particular when used in New York City, the location in which Defendant’s retail store is located.

3. Attached as Exhibit A is a Petition for Cancellation that I have filed with the Trademark Trial and Appeal Board (“TTAB”) of the United States Patent and Trademark Office

(“USPTO”) against United States Trademark Registration No. 3,668,124 for the chunky block NYC® mark that is the subject of this litigation. The City’s mark is “weak”, it is “generic” and it has lost its ability to function as a trademark and source identifier for one source of goods and services and, although the aforementioned registration has been rendered incontestable through the filing of a Section 15 Declaration with the USPTO, cancellation of a registration with the TTAB under the claim of the mark becoming “generic” in the offering of certain goods and services and or being obtained through fraud committed on the USPTO, is a viable claim that is accepted and will be litigated through the cancellation proceeding which can indeed cancel and invalidate the trademark registrations the City has relied upon in commencing this action and/or securing a preliminary injunction for.

4. Attached as Exhibit B is a print-out from the Trademark Electronic Search System of the USPTO to show United States Trademark Registration No.’s 5,410,509; 5,421,544; 5,421,546; 5,461,872 which are some of the marks referenced in the complaint in this action and all referenced in a mark chart that is part of the Preliminary Injunction Order. None of the aforementioned trademark registrations have been on the Principal Register long enough to claim or file for the marks to be rendered incontestable under Section 15 of the Lanham Act and in fact, these marks are extremely weak as evidenced by the fact that they all include a **“DISCLAIMER”** of the geographically descriptive words **“NEW YORK CITY”** and the “generic” terms **“DEPARTMENT OF SANITATION”** which are terms the City cannot claim exclusive use rights in connection with and the aforementioned terms that comprise the City’s full mark are all part of the public domain and are free to use by anyone. The aforementioned trademark registrations are also all comprised of a basic circular shape design and include graphic design elements that are part of the public domain and in which the City cannot claim any exclusive rights

in. The City's entire portfolio of registered marks that are referenced in the Complaint and in the Preliminary Injunction Order are all weak marks that are comprised of geographically descriptive designations combined with generic terms and basic geometrical shapes and some of the City's full marks are entirely generic in the offering of the goods and/or services listed in the applications.

5. I intend to file a Petition for Cancellation against each and every trademark registration listed in the mark chart that is part of the complaint in this action but I do not currently have the funds available to allocate to defending the City's action against me.

6. On January 24, 2022, I was required to pay a \$1,200.00 government fee to file the Petition for Cancellation against the City's United States Trademark Registration No. 3,668,124 for the chunky block NYC® designation in 2 classes of goods.

7. On January 20, 2022, I was also required to pay \$505.00 to file a Notice of Appeal to preserve my legal rights in connection with the Preliminary Injunction Order.

8. As a small independent business owner that has limited funds and/or resources in fairly defending myself against a corporate conglomerate such as the City of New York that has millions of dollars and an extensive legal team that consist of multiple licensed attorneys and most likely a team of paralegals all working against me, I remind the Court that I am only one person and I am putting forth a great effort in participating in this litigation to the best of my ability and with the limited funds I have available to me to conduct surveys, retain legal counsel and/or consultants to put forth the strongest possible defenses in this litigation.

9. Attached as Exhibit C are true and correct copies of the specimens of use that the City submitted on September 22, 2020 to the USPTO and relied upon in renewing its trademark registration for the chunky block NYC® designation in Class 025. These specimens were fraudulently submitted to the USPTO as evidence of use by the Registrant or last listed owner that

is the City, when in fact the specimen shows a hangtag and private sewn label from the urban streetwear brand ONLY™. Also known as ONLY NY™, which is a company not commonly owned by the City. The submission of these fraudulent specimens to the USPTO to secure a renewal of the registration is itself grounds to have the registration cancelled despite it being rendered an incontestable mark. In essence the City used the hangtag and private labeled brand and trademark to show use of the mark as an ornamental design by a third party user that is not even the City itself. A proper specimen would be showing actual use of the NYC mark by the City itself as a brand indicator and NOT showing use by another third party that is not listed as the current owner of the mark.

10. I intend to promptly file a Petition for Cancellation against United States Trademark Registration No. 3,858,973 for the chunky block **NYC®** designation in Class 025 as soon as the funds are available to allocate to the same.

19. For the reasons stated above as well as in the Declaration of Robert G. Lopez filed with this Court on January 14, 2022, Defendant Robert G. Lopez respectfully requests that the Court deny the City Motion for a Default and Permanent Injunction, Deny any request for leave to file an amended complaint by Plaintiff, that the Preliminary Injunction Order be vacated and that the Court grant Defendant's motion under Rule 12(b)(6).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed within the United States on this 25 day of January 2022.

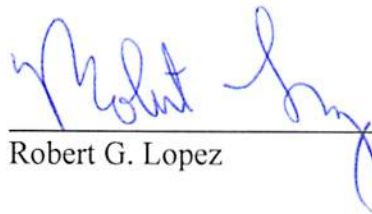

Robert G. Lopez

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

----- X		
Robert G. Lopez	:	
a/k/a TRADEMARKROB®	:	
	:	
Petitioner,	:	
	:	Cancellation No.
v.	:	
	:	Registration No. 3,668,124
City of New York,	:	
	:	(Stylized NYC® mark)
	:	
Respondent.	:	
----- X		

PETITION FOR CANCELLATION

SIR:

In the matter of United States Trademark Registration No. 3,668,124 for the stylized NYC® mark depicted below, issued on August 18, 2009, to NYC & Company, Inc., and assigned to the City of New York, a New York municipal corporation with an address at 100 Church Street, New York, New York 10007 ("Respondent").



Robert G. Lopez, a/k/a TRADEMARKROB® an individual of the United States with an address at 230 Clinton Street – Suite 11C, New York, NY 10002 ("Petitioner"), believes that he has been, and/or will be damaged by the above-identified registration and hereby petitions to cancel United States Trademark Registration No. 3,668,124.

As grounds therefore, it is alleged:

1. United States Trademark Registration No. 3,668,124 for the mark NYC® (an abbreviated form of the words New York City) has become “GENERIC” in connection with the goods and/or services listed in the above-identified United States trademark registration.

2. The recitation of services listed in United States Trademark Registration No. 3,668,124 for the mark NYC® are “Promoting business and tourism in the New York Metropolitan area, namely, promoting the services of others in the fields of tourism, conventions, restaurants, retail stores, cultural activities, business and business investments in New York City through the distribution of printed, video, online and audio promotional materials, press releases, press conferences, and the rendering of sales promotion advice; providing promotion of special events, in Class 35,” AND “Entertainment, namely, production and presentation of events in the nature of live show performances, live music concerts, live musical performances and cultural events, in Class 041.”

3. The Chunky block NYC® letters of United States Trademark Registration No. 3,668,124 have become so popular and are in such widespread use in New York City in relation to “promoting business and tourism in the New York Metropolitan area,” that the relevant public understands and perceives the NYC® designation to refer to the geographical location “New York City” and any and all products or services that originate from New York City or that are offered in New York City, BUT the Chunky block NYC® letters of United States Trademark Registration No. 3,668,124 are incapable of indicating “a single source” of “goods and/or

services” and the general and relevant public perceive the NYC® mark as primarily referring to the genus of any and all products and services that are offered in New York City by any business owner or service provider or department or various agencies in New York City, but **NOT** with the offering of goods or services that are directly or exclusively offered from one source, let alone exclusively offered by the municipal corporation, City of New York, the Respondent in this proceeding.

4. The chunky block NYC® stylized mark depicted in United States Trademark Registration No. 3,668,124 is used in a generic form on the website www.nyc.gov for “promoting business and various businesses in the New York Metropolitan area.

5. The chunky block NYC® mark is also used in a generic form on the website www.nycgo.com and the aforementioned chunky block NYC® mark appears in the heading of Respondent’s website in close proximity to generic references of the mark including subtitles and links that are titled “Dine in NYC,” “Shop in NYC,” “What’s Open in NYC,” “Explore NYC,” “Start Planning your NYC staycation or getaway today,” just to name a few.

6. United States Trademark Registration No. 3,668,124 for the chunky block NYC® letters are also used in a generic sense as it appears on billboards in Times Square New York City and other prominent NYC locations and the mark does not convey or relate any specific information, or provide the offering of any product or service, and is perceived by the relevant public to be a common three letter designation that refers to the location “New York City.”

7. United States Trademark Registration No. 3,668,124 for the chunky block NYC® mark is also used in a generic form and not as a source identifier of any product or service from any one source as the mark abundantly appears on gas pumps at gas stations in New York City. It likewise appears on and in public domain information notices posted by local grocery stores in New York City and the NYC® designation also appears on permanent structures of New York City Street fixtures, for the purpose of representing and identifying the geographical location NYC in which they are affixed to in New York City.

8. The Chunky block NYC® designation is used in New York City by 1000's of unrelated business owners in connection with different goods and services that the mark fails to function as a source identifier of any particular product or service emanating from one single source and the aforementioned mark is perceived by the relevant public to just be a commonly used mark by various parties in New York City to represent and refer to the geographical location New York City.

9. The chunky block NYC® mark in United States Trademark Registration No. 3,668,142 does **NOT** function as a trademark or source identifier for providing information and news in the public domain about issues and businesses in New York City and is a generic mark and descriptor when used to provide information on business services in the New York metropolitan area.

10. United States Trademark Registration No. 3,668,124 was secured under section 2(f) of the Lanham Act which is an admission that the mark is not "inherently distinctive" and in

view of the common, random and widespread use of the chunky block NYC® mark in the aforementioned registration by various third parties, that have and continue to use the mark as a generic descriptor, the NYC® mark has lost or has not developed any secondary meaning that it can claim and rely on and the Chunky block NYC® designation is now generically used to refer to information and news in New York City regarding business, and locations in New York City that are all part of the public domain and are provided free to the public and not part of an offering of any particular product and/or service from any one source.

11. The Chunky block NYC® designation in United States Trademark Registration No. 3,668,124, because of its popularity and significance with the geographical location New York City through extensive promotion of the mark to identify the geographical location NYC used by various third parties and unrelated business owners and for unrelated goods and services offered by different parties in New York City, has become the generic designation and/or synonymous with information and news regarding businesses in New York City and public events that occur in New York City.

12. Even if it is argued by Respondent that some of the third-party users of the chunky block NYC® designation are authorized and/or a licensee of Respondent, that is no consequence to the perception that is raised by the relevant consuming public when they encounter the Chunky block NYC® mark and it is offered by unrelated third parties that the consuming public knows are not one and the same and are offered in connection with different goods and services that emanate and/or are offered in New York City and the relevant public is not sophisticated enough to determine whether or not the chunky NYC® designation is used

under license or whether the usage of the NYC® designation is part of the common and public domain for promoting any and business purposes that originate or are offered in New York City.

13. Petitioner is the owner of United States Trademark Serial Application No. 90/320,532 for the mark **NYC NEW YORK CANNABIS™** and Design. (See Exhibit A).

14. Petitioner is the owner of United States Trademark Serial Application No. 90/736,151 for the mark **NYC NEW YORK CANNABIS™** and Design. (See Exhibit B).

15. Petitioner is the owner of United States Trademark Serial Application No. 90/745,372 for the mark **NYC NEW YORK CANNABIS™** and Design. (See Exhibit C).

16. Petitioner believes that the continued registration of the United States Trademark Registration No. 3,668,124 mark by Respondent will cause damage and impair his ability to secure trademark registrations for his independently created **NYC NEW YORK CANNABIS™** mark and the ability to maintain and build further rights in Petitioner's **NYC NEW YORK CANNABIS™** mark in connection with various goods and services that Respondent does not currently offer in commerce and other similar or related goods and/or services.

17. Petitioner further asserts that the existence of the subject trademark registration prevents Petitioner from any foreseeable expansion of goods and/or services under his **NYC NEW YORK CANNABIS™** mark in connection with business information and news regarding New York's Cannabis industry by providing the exclusive rights in promoting business in the

New York metropolitan area to a third-party registrant that is not affiliated and/or sponsored by Petitioner.

18. The continued existence of Registration No. 3,668,124 on the Principal Register of the United States Patent and Trademark Office places a cloud on Petitioner's right to use his own **NYC NEW YORK CANNABIS™** design mark for all the goods and/or services that Petitioner currently offers and has a bonafide intent to offer under the expansion of his **NYC NEW YORK CANNABIS™** brand.

19. Petitioner has already received an Office Action from the United States Patent and Trademark Office for at least one of his **NYC NEW YORK CANNABIS™** trademark applications and the Chunky block **NYC®** mark was cited as a "potential" bar to registration.

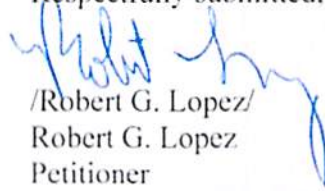
20. In view of the foregoing, Petitioner respectfully requests that United States Trademark Registration No. 3,668,124 for the Chunky block **NYC™** be removed from the Principal Register to prevent further and ongoing harm to Petitioner.

WHEREFORE, Petitioner requests that its Petition for Cancellation be granted, and that Registration No. 3,668,124 be stricken from the Principal Register.

Petitioner submits herewith the required fee for filing the Petition for Cancellation in the amount of \$600.00.

Dated: January 24, 2022

Respectfully submitted,



/Robert G. Lopez/

Robert G. Lopez

Petitioner

230 Clinton Street – Suite 11C

New York, New York 10002

(917) 868-1698

CERTIFICATE OF SERVICE

I, Robert G. Lopez, on January 24, 2022, served the following document, **PETITION FOR CANCELLATION**, by placing a true copy and correct copy thereof enclosed in a sealed envelope, addressed as follows:

Gerald E. Singleton, Esq.
The City of New York – Law Department
100 Church Street
New York, New York 10007

I placed this envelope with postage thereon fully prepaid in the U.S. mail in New York, New York and also forwarded the same via email to gsinglet@law.nyc.gov

Date: January 24, 2022

/Robert G. Lopez/
Robert G. Lopez
230 Clinton Street – Suite 11C
New York, New York 10002

EXHIBIT A



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Word Mark NYC NEW YORK CANNABIS

Goods and Services IC 035. US 100 101 102. G & S: Advertising services, namely, promoting the brands, goods and services of others; Business management and consultation; Retail store services featuring stickers, glass jars, packaging tubes, mylar bags, ash trays, roll trays, grinders, packaging stickers and vinyl stickers; On-line retail store services featuring stickers, glass jars, packaging tubes, mylar bags, ash trays, roll trays, grinders, packaging stickers and vinyl stickers. FIRST USE: 20201114. FIRST USE IN COMMERCE: 20201114

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.13.09 - Marijuana leaf, leaves, and plants ; Cannabis leaf, leaves, and plants ; Hemp leaf, leaves, and plants ; Pot leaf, leaves, and plants
26.01.01 - Circles as carriers or as single line borders

Serial Number 90320532

Filing Date November 15, 2020

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Lopez, Robert G. AKA TradeMarkRob INDIVIDUAL UNITED STATES 230 Clinton Street - Suite



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Word Mark NYC NEW YORK CANNABIS

Goods and Services IC 039. US 100 105. G & S: Delivery of Smoking accessories and devices, namely, rolling papers, rolling machines, rolling trays, grinders, smoking pipes, pocket machines for rolling cannabis, lighters, ashtrays, vape pens, smoking pipes and cannabis product menus.; Transport and delivery of goods. FIRST USE: 20210501. FIRST USE IN COMMERCE: 20210501

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.13.09 - Marijuana leaf, leaves, and plants ; Cannabis leaf, leaves, and plants ; Hemp leaf, leaves, and plants ; Pot leaf, leaves, and plants
 26.01.02 - Circles, plain single line ; Plain single line circles

Serial Number 90736151

Filing Date May 26, 2021

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Lopez, Robert G. AKA TradeMarkRob INDIVIDUAL UNITED STATES 230 Clinton Street - Suite 11C New York NEW YORK 10002

EXHIBIT C



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Word Mark NYC NEW YORK CANNABIS

Goods and Services IC 045. US 100 101. G & S: Licensing of intellectual property in the field of trademarks and copyrights; Licensing of intellectual property rights. FIRST USE: 20201227. FIRST USE IN COMMERCE: 20201227

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.13.09 - Marijuana leaf, leaves, and plants ; Cannabis leaf, leaves, and plants ; Hemp leaf, leaves, and plants ; Pot leaf, leaves, and plants
26.01.01 - Circles as carriers or as single line borders

Serial Number 90745372

Filing Date May 31, 2021

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Lopez, Robert G. AKA TradeMarkRob INDIVIDUAL UNITED STATES 230 Clinton Street - Suite 11C New York NEW YORK 10002

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NYC NEW YORK CANNABIS" APART FROM THE MARK AS SHOWN

EXHIBIT B



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Word Mark NEW YORK CITY DEPARTMENT OF SANITATION
Goods and Services IC 021. US 002 013 023 029 030 033 040.050. G & S: Houseware and glasses namely, coffee mugs, thermal insulated containers for food or beverage, drinking glasses, glass carafes, glass dishes, plastic water bottles sold empty. FIRST USE: 20151200. FIRST USE IN COMMERCE: 20151200
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.15.15 - Fire (flames), emanating from objects, words or numbers
 03.21.01 - Caduceus; Serpent and staff (caduceus)
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.
Serial Number 87345635
Filing Date February 22, 2017
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 12, 2017
Registration Number 5410509
Registration Date February 27, 2018
Owner (REGISTRANT) City of New York, by and through its Department of Sanitation CORPORATION NEW YORK 125 Worth Street New York NEW YORK 10013
Attorney of Record Katherine Winningham
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEW YORK CITY" AND "DEPARTMENT OF SANITATION" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "NEW YORK CITY" and "DEPARTMENT OF SANITATION" bordering the perimeter of a circle, with a stylized caduceus with flame at the top of the staff situated in the middle of an overall circular seal design.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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STRUCTURED

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Word Mark NEW YORK CITY DEPARTMENT OF SANITATION

Goods and Services IC 028. US 022 023 038 050. G & S: Toys and playthings, namely, toy model cars, stuffed toy animals, toy dolls and accessories, molded plastic toy figurines, toy banks, Christmas tree ornaments, and jigsaw puzzles. FIRST USE: 20150800. FIRST USE IN COMMERCE: 20150800

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.15 - Fire (flames), emanating from objects, words or numbers
 03.21.01 - Caduceus; Serpent and staff (caduceus)
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.

Serial Number 87345621

Filing Date February 22, 2017

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 26, 2017

Registration Number 5421544

Registration Date March 13, 2018

Owner (REGISTRANT) City of New York, by and through its Department of Sanitation CORPORATION NEW YORK 125 Worth Street New York NEW YORK 10013

Attorney of Record Katherine Winningham

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEW YORK CITY" AND "DEPARTMENT OF SANITATION" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a circle with the words "NEW YORK CITY DEPARTMENT OF SANITATION" around it and a caduceus in the center.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark NEW YORK CITY DEPARTMENT OF SANITATION
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, T-shirts, sweatshirts, scarves, neckties, hoodies and baseball caps. FIRST USE: 20150800. FIRST USE IN COMMERCE: 20150800
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.15.15 - Fire (flames), emanating from objects, words or numbers
 03.21.01 - Caduceus; Serpent and staff (caduceus)
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.
Serial Number 87345640
Filing Date February 22, 2017
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 26, 2017
Registration Number 5421546
Registration Date March 13, 2018
Owner (REGISTRANT) City of New York, by and through its Department of Sanitation CORPORATION NEW YORK 125 Worth Street New York NEW YORK 10013
Attorney of Record Katherine Winningham
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEW YORK CITY" AND "DEPARTMENT OF SANITATION" APART FROM THE MARK AS SHOWN
Description Color is not claimed as a feature of the mark. The mark consists of the stylized wording "NEW YORK CITY" and

of Mark "DEPARTMENT OF SANITATION" bordering the perimeter of a circle, with a stylized caduceus with flame at the top of the staff situated in the middle of an overall circular seal design.

Type of Mark TRADEMARK

Register PRINCIPAL

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**Word Mark** NEW YORK CITY DEPARTMENT OF SANITATION
Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry, namely, watches, pins, rings, cuff links, chains, bracelets made of precious metals and their alloys and jewelry made of precious metals or coated therewith. FIRST USE: 20151019. FIRST USE IN COMMERCE: 20160323

Mark
Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.15 - Fire (flames), emanating from objects, words or numbers
 03.21.01 - Caduceus; Serpent and staff (caduceus)
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.01.21 - Circles that are totally or partially shaded.

Serial Number 87345650
Filing Date February 22, 2017
Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 20, 2018

Registration Number 5461872

Registration Date May 8, 2018

Owner (REGISTRANT) City of New York, by and through its Department of Sanitation CORPORATION NEW YORK 125 Worth Street New York NEW YORK 10013

Attorney of Record Katherine Winningham

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEW YORK CITY" AND "DEPARTMENT OF SANITATION" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "NEW YORK CITY" and "DEPARTMENT OF SANITATION" bordering the perimeter of a circle, with a stylized caduceus with flame at the top of the staff situated in the middle of an overall circular seal design.

Type of Mark TRADEMARK

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EXHIBIT C



